THE ARMED FORCES (PUNJAB AND CHANDIGARH) SPECIAL POWERS ACT, 1983

ARRANGEMENT OF SECTIONS

SECTIONS

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THE ARMED FORCES (PUNJAB AND CHANDIGARH) SPECIAL POWERS ACT, 1983

ACT NO. 34 OF 1983

[8*th December*, 1983.]

An Act to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Punjab and the Union territory of Chandigarh.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(*1*) This Act may be called the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983.

(*2*) It extends to the whole of the State of Punjab and the Union territory of Chandigarh.

(*3*) It shall be deemed to have come into force on the 15th day of October, 1983.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

(*b*) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(*c*) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), shall have the meanings respectively assigned to them in those Acts.

3. Power to declare areas to be disturbed areas.—If, in relation to the State of Punjab or the Union territory of Chandigarh, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of the State or the Administrator of that Union territory or the Central Government, as the case may be, by notification in the Official Gazette, declare the whole or such part of that State or Union territory to be a disturbed area.

4. Special powers of the armed forces.—Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,—

(*a*) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(*b*) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(*c*) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(*d*) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(*e*) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognizable offence, or against

whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.

5. Power of search to include powers to break open locks, etc.—Every person making a search under this Act shall have the power to break open the lock of any door, almirah, safe, box, cupboard, drawer, package or other thing, if the key thereof is withheld.

6. Arrested person and seized property to be made over to the police.—Any person arrested and taken into custody under this Act and every property, arm, ammunition or explosive substance or any vehicle or vessel seized under this Act, shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, or, as the case may be, occasioning the seizure of such property, arm, ammunition or explosive substance or any vehicle or vessel, as the case may be.

7. Protection of persons acting in good faith under this Act.—No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

8. Repeal and saving.—(*1*) The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983 (9 of 1983), is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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